

APPROVED: Meeting No. 42-86 ^{call}

ATTEST:

Carol A. Kachadoorian

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 32-86

July 28, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, July 28, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, City Attorney Paul Glasgow.

Re: Invocation

Reverend Richard Kline from the Halpine Baptist Church provided the invocation.

Re: City Manager's Report

Mr. Robinson reported the following:

1. The City has received funding for the third and final year of an Historic Preservation grant from the State.
2. The Red Gate Golf Course hosted the Red Gate Pro-Am Tournament. Three hundred golfers participated.
3. Late in the fall, the City will be going out to bid on upgrading several City parks, including Monument Park. The work will be completed by the end of the calendar year.

Re: Mayor's Report

The Mayor reported the following:

1. The City is currently conducting a survey of the Congressional Towers and Rollins Apartments area in preparation for the Mayor and Council's work-session on rent control. Discussion of the issue by the Mayor and Council is being delayed until September to allow time for completion of the survey.

2. The City is meeting with the County regarding cable television. The Mayor advised the Council that he and Councilman Duncan had met with representatives from the County and will be meeting with Gustov Hauser.

3. The volunteer Appreciation Party held on Saturday evening was a success. The Mayor was pleased to see the large number of people who volunteer for the City. He also complimented staff on an excellent job of planning the party.

Re: Consent Agenda:

On motion of Councilman Duncan, duly seconded and unanimously passed, the following three items were approved as part of the consent agenda.

Re: Bid No. 11-87, Award of
Contract for Smoothseal

Bids were opened for the Fiscal Year 87 Smoothseal Contract at 3:00 p.m. Thursday, July 17, 1986, in the Board and Commission Room. Two bids were received as follows:

F.O. Day Company, Rockville, Maryland (\$38.00 per ton)	\$317,009.00
A. H. Smith, Branchville, Maryland (\$43.50 per ton)	\$357,309.00
Budget Appropriation	\$390,000.00
(\$320,000.00 for streets & \$70,000 for Recreation & Parks)	

The City's current bid is based on 7868 tons of smoothseal and utility adjustments for various streets and parks. A contractual provision was

included which allows the City the option to adjust the quantities to utilize the total Smoothseal appropriation.

This year's per ton cost is approximately 10% lower than last year's price (\$42.50) and this is reflective of the current low oil prices and decreases in costs of liquid asphalt. Historically, for this type of bid and operation, the City generally receives quotes from only two bidders.

The low bidder, F.O. Day Company is an experienced paving contractor who has previously performed this work for the City in a satisfactory manner.

Staff recommends that award of the smoothseal contract be made to the low bidder, F.O. Day Company, at the unit price quoted and in the total amount of the appropriation of \$390,000.00.

Councilman Abrams noted that he was pleased to see the lower price per ton for the smoothseal bid. He asked about the level of additional work that the City can do because of the lower bid. The City Manager responded that the price will allow the City to "catch up" on work that was to be done in FY 1986, but could not due to the higher price. In addition, Gerald Morningstar, Deputy Director of Public Works, noted that additional streets in the Horizon Hills area would be added to the list, as well as Watts Branch Parkway, and Fallsmead Drive, if possible.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 11-86 for the FY 87 Smoothseal Contract was awarded to the low bidder, F.O. Day Company, as recommended by staff.

Re: Bid No. 91-86:
Award of Contract for
Basketball Courts at
David Scull

At the June 9, 1986, meeting the Mayor and Council approved rejection of the sole bidder for this job and preparation of new specifications with the intent to receive bids more in line with the budgeted amount.

New specifications were prepared which deleted the requirement for Soil Sterilizer and which allowed for deducts of four (4) items of the specifications. The mailing list was expanded and an advertisement was placed in the Washington Post.

Two bids were received: They were:

	Peak, Inc.,	Pickens & Sons
Entire Job (no deducts)	\$23,700.00	\$21,850.00
Delete Surface Color	(700.00)	(1,000.00)
Delete Playing Lines	(200.00)	(200.00)
Delete Basketball Backboard	(300.00)	(150.00)
Delete Goals	(100.00)	(1,600.00)

Community Development Block Grant funds for this project total \$16,400.00 however, \$6,600.00 in funding for further improvements at the park are available. The low bid, Pickens & Sons, reflects the reduction anticipated by deleting the Soil Sterilizer, and the bid seems to accurately reflect the market pricing.

It is recommended that the low bid from Pickens & Sons of \$21,850.00 be accepted and awarded and that sufficient funds be used from the \$6,600.00 which were for seating and walls to provide sufficient funding.

In response to a question from Councilman Abrams, Gregory Bayor, Director of Recreation and Park, advised the Mayor and Council that soil sterilization was deleted from the specifications for the basketball courts at David Scull for the re bid. He felt that we received a lower bid from the company that was the sole bidder last time due to the fact that there was competition this time.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 91-86 for David Scull Basketball Court was awarded to Pickens & Sons as recommended by staff.

Re: Approval of Conveyance
of Property in Silver
Rock Park to Doris E.
Carroll

Before the Mayor and Council is an "Offer of Agreement" in the amount of \$4,000 with Mrs. Doris E. Carroll of 311 Edmonston Drive regarding a sale of a small tract of City owned land.

The property in question is part of the Silver Rock Park but has been used continually as part of the back yard of 311 Edmonston Drive for approximately thirty (30) years. This situation is unique and peculiar in that a former owner is believed to have built a retaining wall and fence around what now constitutes the back yard of the property. A conveyance of the 2,599 square foot tract of land to Mrs. Carroll for incorporation into her lot will formally rectify this matter.

The sale price of \$4,000 is an amount believed to be a fair price to both the City and Mrs. Carroll. One special condition of the offer is Mrs. Carroll's agreement to bear all costs associated with settlement.

It is therefore, recommended, that the Mayor and Council accept the "Offer of Agreement" with Mrs. Doris E. Carroll to sell the subject 2,599 square foot of tract of land at a price of \$4,000.

On motion of Councilman Duncan, duly seconded and unanimously passed, the "Offer of Agreement" with Mrs. Doris E. Carroll to sell a 2,599 square foot tract of land at \$4,000.00 was approved by the Mayor and Council.

Re: Citizen' Forum

The Mayor opened the Citizen's Forum portion of the meeting"

1. Margaret Osdoby Katz, 2 Stevenage Circle, addressed the Mayor and Council regarding the Monument Park Playground. She noted that there is tremendous interest in her neighborhood in build a playground. The current one at the Monument Park playground is unsafe, uninteresting and neglected by

the City. She asked that the City repair and take care of the Monument Park Playground.

Mayor Van Grack asked the City Manager to provide the Mayor and Council with a status report on Monument Park as the work progresses.

2. Nick Stoer, 2607 Oakenshield Drive, addressed the Mayor and Council regarding Potomac Woods Park. He asked that the City supervisory force put in extra effort to have parks crews keep the park in good condition.

3. Richard Resnick, 953 Farm Haven Drive, asked the Mayor and Council why there were several versions of the proposed Text Amendment, T-78-86. He stated that he questioned whether or not the existence of more than one version met the public notice requirements. In addition, Mr. Resnick expressed his concern that additional information on the text amendment was available only that evening, rather than at a time prior to the meeting, and he requested that T-78-86 be withdrawn before the public hearing was held.

4. John Tyner, 5911 Halpine Road, Twinbrook Citizens Association Land Use Committee. Mr. Tyner identified several members of the City staff who had been helpful to the Twinbrook Citizens Association:

- a) Robert Goodin, Director of Public Works - for helping get the Suburban Propane Gas site cleared;
- b) Gregory Bayor, Director of Recreation and Parks - for adjusting the lights at Broome Athletic Field so they are not as obtrusive to neighbors; and
- c) Larry Owens, Chief Planner, for working with the McCormick Paint Company to include all prior approved but unfinished work in the company's current use permit application.

5. Carole Cohen, Vice-Chair of the Rockville Housing Authority (RHA) addressed the Mayor and Council regarding the City's contribution to RHA for FY 1987. Ms. Cohen stated she was concerned over the confusion regarding funding for the Authority, particularly with respect to the Housing Informa-

tion Center. The City Manager responded that the Mayor and Council directed staff to allocate \$25,000 to the RHA for its determination on how it wishes to spend these funds. In addition, City staff was directed to work with the Authority to come to an understanding on providing in-house housing information assistance as part of the new Department of Community Services.

Councilman Duncan added that RHA could provide the Housing Information Center, however, its funding would come from the \$25,000 allocated for FY 1987. Ms. Cohen responded that the RHA would have to provide housing assistance even if the City provides the service in-house.

Councilman Coyle stated that it was his understanding that transferring the housing information center to the City would not negatively affect the program. Mayor Van Grack explained that it was in fact the intent to have the housing information center serve other parts of the City that influenced the decision to have the City provide the service.

At the suggestion of Councilman Abrams, the City Manager and Sandra Crewe, Director of the RHA agreed to continue their discussions of how best to provide the service.

6. Terry Harris, 108 North Adams Street, provided the Mayor and Council with comments on the refuse disposal situation. First, he suggested that a "waste reduction" program for citizens be emphasized. Second, he suggested that the City work towards a waste recovery program (i.e., bottles, etc.) statewide. Finally, he stated that Shady Grove was not the appropriate place for the energy recovery facility; Dickerson was a better location, in his opinion, as it is not a major growth corridor.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing on Text
Amendment, T-78-86,
Mayor and Council,
applicant to amend the
text of the zoning
ordinance to apply the
procedures of
Comprehensive Planned
Development to the O-3
Zone

The Mayor and Council of Rockville conducted a public hearing on Text Amendment Application, T-78-86, Mayor and Council, Applicant, to amend the text of the zoning ordinance to apply the procedures of Comprehensive Planned Development to the O-3 Zone and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be left opened for two weeks.

Re: Approval of Second
Amendment to Mall
Agreement with
Eisinger/Kilbane

On motion of Councilman Abrams, duly seconded and unanimously passed, the second amendment to the Mall Agreement with Eisinger/Kilbane approved by the Mayor and Council.

Councilman Duncan asked that a presentation of Phase III be made to the Mayor and Council and the Planning Commission. He felt one was not necessary for this amendment, as it was basically technical in nature. Councilman Abrams concurred with Councilman Duncan.

In response to a question from Councilman Coyle, Doug Horne, Director of Community Development and Housing Assistance stated that work on the Mall is moving forward, and that there is more parking planned than was originally envisioned.

Mayor Van Grack stated that the revisions made to the agreement were excellent. He advised that he was still disturbed that the 300 parking

spaces, as agreed to, will not be available in January 1987 when the District Court moves into Town Center. While 200 spaces will be available, the final 100 would not be until later. The City Manager responded that the parking committee is still meeting; he advised the Mayor that he would see what could be done in the short term.

Re: Review and Authorization
of Letter on the City
Position regarding the
Montgomery County Refuse
Disposal System

Councilman Coyle offered several changes to the draft letter. The Mayor and Council discussed the changes and agreed upon the wording for the letter. Mayor Van Grack asked that the letter be submitted for the record on August 9, 1986, and that a member of the staff be present at the hearing.

It was the unanimous consensus of the Mayor and Council that the letter be changed as suggested by Councilman Coyle.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Letter of receipt of MML membership dues for FY 1987 and Certificate of Membership
2. Letter from Nancy L. Mallory regarding the Tissot Valedictorian Awards
3. Letters from the Advisory Commission on Public Education regarding staff assistance from Daniel Hobbs and Marge Turpin
4. Letters from Virginia Thompson regarding the new traffic signal at the intersection of Rollins Avenue and E. Jefferson Street
5. Letter from Mary Lynn Scott regarding the Memorial Day Parade

Re: Information Items

1. Letter to City Clerk regarding the public forum on the Rockville Pike Advisory Committee's Report
2. Letter from Mr. R. H. Berger and staff response regarding the proposed Ritchie Bridge over I-270

3. Letter to Burt Hall from Ann Schneibolk regarding the work of Karen Lumpkin and Joyce Crockett
4. Information regarding services offered by Montgomery County Recreation, Outreach Program
5. Rand v. The Mayor and Council of Rockville, et al, Civil Action Nos. 10658 and 10059
6. Sintetos v. the Mayor and Council of Rockville, Civil Action No. 16195
7. A. T. Sintetos, Jr., v. the Rockville Planning Commission, Civil Action No. 16018

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 18-86, May 5, 1986, were approved by the Mayor and Council as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 19-86, May 7, 1986, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 20-86, May 8, 1986, were approved as written.

Re: New Business

1) Montgomery County School Board's Policy Statement Regarding Long-Range Educational Facilities Planning. Councilman Hartogensis asked that a letter be prepared to the School Board voicing the City's opposition to giving up the City's right to communicate directly with the School Board. Mayor Van Grack concurred that the City did intend to be left out of the process. Councilman Abrams suggested that Board members be reminded of their campaign views regarding City-County relations during the School Board elections in 1982.

2) Bats at Blandford Apartments. Councilman Abrams asked the City Manager to work with the owners and residents of the apartments in resolving the problems with bats.

3) Proposed Motor Vehicle Administration (MVA) Facility. Councilman Abrams inquired about progress with respect to stopping the MVA from locating its new facility on Falls Road at Montrose. Mayor Van Grack advised that there is a meeting of the MML Steering Committee scheduled for July 31, 1986. The City Manager advised the Mayor and Council that staff has met with representatives from the MVA and that the meeting on July 31 was the next step.

4) Survey of Congressional Towers and Rollins Park. Councilman Coyle expressed his approval for conducting the survey of residents of Congressional Towers and Rollins Park, but suggested that the survey questionnaire used did not go far enough. He would have wanted questions to determine who is getting rent increases and what extent the increases are. Councilman Duncan agreed, suggesting that the survey could be used to provide a good profile of the situation. The City Manager stated that the survey, as designed, would provide a good data base from which other information can be obtained.

Councilman Coyle stated that he had been hearing more disturbing information about Rollins Park and Congressional, such as excessive vacancies and fire hazards. In addition, he suggested that the Montrose Citizens Association be contacted to help administer responses.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed at 12:14 a.m. for executive session to discuss the acquisition of real property and pending litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:30 a.m. to convene again in general session on Monday, August 4, 1986, at 8:00 p.m. or at the call of the Mayor.